

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE TELESCOPES ANTITRUST  
LITIGATION

Case No.20-cv-03642-EJD (VKD)

**ORDER RE SEALING**

Re: Dkt. No. 423

United States District Court  
Northern District of California

In connection with a motion to compel and for sanctions regarding a discovery dispute (Dkt. No. 424), on June 28, 2023 Direct Purchaser Plaintiffs (“DPPs”) filed an administrative motion to consider whether portions of their brief and its exhibits should be filed under seal. Dkt. No. 423. These portions consisted of materials designated by Defendants as “Confidential” or “Highly Confidential” under the protective order in this case. *Id.* at 2.

There is a strong presumption in favor of access by the public to judicial records and documents accompanying dispositive motions that can be overcome only by a showing of “compelling reasons supported by specific factual findings.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotation marks and citation omitted). However, the presumption does not apply equally to a motion addressing matters that are only “tangentially related to the merits of a case,” *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101 (9th Cir.), *cert. denied sub nom FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct. 38 (2016). A party seeking to seal documents or information in connection with such a motion must meet the lower “good cause” standard of Fed. R. Civ. P. 26(c). *Id.* at 1098-99; *Kamakana*, 447 F.3d at 1179-80.

*Virginia K. DeMarchi*  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge